

COUNTY OF LOS ANGELES  
**SHERIFF'S DEPARTMENT**

*A Tradition of Service*

DATE: October 22, 2012

FILE NO:

OFFICE CORRESPONDENCE

**FROM:** MICHAEL J. ROTHANS, COMMANDER  
FIELD OPERATIONS REGION III

**TO:** MERRILL E. LADENHEIM, CAPTAIN  
LAKEWOOD STATION

**SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:**

Case Number: SH2303930

Incident: Hit Shooting

Incident Date: December 28, 2011

Unit: Lakewood Station / FOR III

Suspect: Joseph Robert Guevara, M/22

Involved Employees: Deputy Joseph Esqueda, # [REDACTED]  
Deputy Victor Fernandez, # [REDACTED]

EFRC Date: October 22, 2012

The Executive Force Review Committee consisting of Commander Michael Rothans, Commander David Fender and Commander Buddy Goldman met and reviewed the above case.

**FINDINGS:**

Based on the deputies pursuing a burglary suspect, and that suspect being armed with a handgun which he fired at the deputies, the Committee determined the force used by Deputy Esqueda and Deputy Fernandez by returning fire at the suspect was objectively reasonable and in compliance with Department Policy. The Committee also determined the tactics used by these deputies were within the Department's training standards.

**RECOMMENDATIONS:**

The Committee recommended that Deputy Esqueda and Deputy Fernandez attend the eight hour Tactics and Survival training, class 1. In addition, the Committee recommended the unit commander, Captain Merrill E. Ladenheim, conduct a tactical debriefing with the involved deputies regarding this incident.

MJR:JER:jer

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# Los Angeles County Sheriff's Department

## Officer Involved Shooting

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Report Date: <b>12-30-11</b>		Bureau/Station/Facility: <b>Lakewood Station</b>		Admin. Invest? <input type="checkbox"/> Hit? <input checked="" type="checkbox"/>	
<b>Incident Information</b>					
URN: <b>011-25564-1335-055</b>		Date: <b>12-28-11</b>		Time: <b>1630</b>	
City or Station: <b>Bellflower</b>		Nature of Incident: <b>See Attached Summary</b>			
Location: <b>██████ Oak Street</b>					
Location Type (circle one or more): Backyard Beach Business Freeway Industrial Park Parking Lot <u>Residence</u> Rural School Street Other: <b>Front Yard</b>		Lighting (circle only one): Darkness Daylight <u>Other</u> Street Lights Weather (circle only one): <u>Clear</u> Cloudy Fog Rain Distance: <b>30-40 feet</b>		Incident Type (circle one or more): Accidental <u>Armed Person</u> <u>Fleeing Suspect</u> <u>Foot Pursuit</u> Gun Take Away Moving Vehicle Sniper/Ambush Startle Struggle Involved Traffic Stop Unarmed Person Unintentional Vehicle Pursuit Warrant Service Warning Shot Other: _____	
Total # of Shots Fired by Deputy Deputy Esqueda - 15 Shots, Deputy Fernandez - 20 Shots		Total # of Shots Fired by Suspect <b>1-3 Shots</b>		Initiated by (circle only one): <u>Arrest Warrant</u> <u>Call</u> Observation One Person Unit Other Search Warrant Two Person Unit Prior Activity (circle only one): <u>Detective</u> Inmate Transport Other Routine Patrol Aero Unit? <input type="checkbox"/> Canine Unit? <input type="checkbox"/>	
<b>Employee Witnesses</b>					
Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty
Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty
Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty
<b>Non-Employee Witnesses</b>					
Last Name		First Name		M.I.	
Street Address		City		Zip Code	Work Ph Home Ph
Last Name		First Name		M.I.	
Street Address		City		Zip Code	Work Ph Home Ph
Last Name		First Name		M.I.	
Street Address		City		Zip Code	Work Ph Home Ph
<b>Supervisors</b>					
Employee #	Last Name	First Name	M.I.	(circle one or more): <u>On Duty</u> Present during shooting	Witness to shooting Involved in shooting
Employee #	Last Name	First Name	M.I.	(circle one or more): On Duty Present during shooting	Witness to shooting Involved in shooting
<b>Watch Sergeant</b>					
Employee #	Last Name	First Name	M.I.		
	<b>Bishop</b>	<b>Brian</b>			
<b>Watch Commander</b>					
Employee #	Last Name	First Name	M.I.		
	<b>Lindblom</b>	<b>Eric</b>	<b>R</b>		

PSTD Use Only	
SH #	<b>2303930</b>



# Officer Involved Shooting Involved Employee Information

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## Involved Employee

E 1	Employee #	Last Name <b>Esqueda</b>	First Name <b>Joseph</b>	M.I.
Sex: <b>M</b> Race: <b>Hispanic</b>		Rank: <b>Deputy</b>	Unit Assignment: <b>Lakewood Station</b>	
ShiftTime (circle only one): EM <b>PM</b> Day		ShiftType (circle only one): <b>Regular</b> Overtime Off Duty	Work Assignment (Unit #, Module, etc.): <b>133</b>	
Hospital Admission? <input type="checkbox"/>		Hospital Name:	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:
Hrs of sleep prior to shooting: <b>Unknown</b>		Duty Time (hrs):	Coroner Case? <input type="checkbox"/>	Coroner Case #
Age: <b>601</b> Height: <b>190</b> Weight: <b>190</b>		Clothing (circle only one): Plain Clothes no Vest <input type="checkbox"/> Raid Jacket w/ Vest <input type="checkbox"/> Plain Clothes w/ Vest <input type="checkbox"/> Uniform no Vest <input type="checkbox"/> Raid Jacket no Vest <input type="checkbox"/> <b>Uniform w/ Vest</b> <input checked="" type="checkbox"/>		Other Factors:
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? <input type="checkbox"/>	Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input type="checkbox"/>	Number of Prior Shootings: <input type="checkbox"/>
Weapons Fired Brand: <b>Beretta</b> Caliber <b>9MM</b> # Shots <b>15</b>		Weapons Fired Brand: Caliber # Shots		
Field Training Officer Emp #		Last Name	First Name	M.I.
Field Training Officer Emp #		Last Name	First Name	M.I.

E 2	Employee #	Last Name <b>Fernandez</b>	First Name <b>Victor</b>	M.I.
Sex: <b>M</b> Race: <b>Hispanic</b>		Rank: <b>Deputy</b>	Unit Assignment: <b>Lakewood Station</b>	
ShiftTime (circle only one): EM <b>PM</b> Day		ShiftType (circle only one): <b>Regular</b> Overtime Off Duty	Work Assignment (Unit #, Module, etc.): <b>133T1</b>	
Hospital Admission? <input type="checkbox"/>		Hospital Name:	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:
Hrs of sleep prior to shooting: <b>5-8</b>		Duty Time (hrs):	Coroner Case? <input type="checkbox"/>	Coroner Case #
Age: <b>509</b> Height: <b>200</b> Weight: <b>200</b>		Clothing (circle only one): Plain Clothes no Vest <input type="checkbox"/> Raid Jacket w/ Vest <input type="checkbox"/> Plain Clothes w/ Vest <input type="checkbox"/> Uniform no Vest <input type="checkbox"/> Raid Jacket no Vest <input type="checkbox"/> <b>Uniform w/ Vest</b> <input checked="" type="checkbox"/>		Other Factors:
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? <input type="checkbox"/>	Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input type="checkbox"/>	Number of Prior Shootings: <input type="checkbox"/>
Weapons Fired Brand: <b>Beretta</b> Caliber <b>9MM</b> # Shots <b>20</b>		Weapons Fired Brand: Caliber # Shots		
Field Training Officer Emp #		Last Name	First Name	M.I.
Field Training Officer Emp #		Last Name	First Name	M.I.

E	Employee #	Last Name	First Name	M.I.
Sex: Race:		Rank:	Unit Assignment:	
ShiftTime (circle only one): EM PM Day		ShiftType (circle only one): Regular Overtime Off Duty	Work Assignment (Unit #, Module, etc.):	
Hospital Admission? <input type="checkbox"/>		Hospital Name:	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:
Hrs of sleep prior to shooting:		Duty Time (hrs):	Coroner Case? <input type="checkbox"/>	Coroner Case #
Age: Height: Weight:		Clothing (circle only one): Plain Clothes no Vest <input type="checkbox"/> Raid Jacket w/ Vest <input type="checkbox"/> Plain Clothes w/ Vest <input type="checkbox"/> Uniform no Vest <input type="checkbox"/> Raid Jacket no Vest <input type="checkbox"/> Uniform w/ Vest <input type="checkbox"/>		Other Factors:
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? <input type="checkbox"/>	Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input type="checkbox"/>	Number of Prior Shootings: <input type="checkbox"/>
Weapons Fired Brand: Caliber # Shots		Weapons Fired Brand: Caliber # Shots		
Field Training Officer Emp #		Last Name	First Name	M.I.
Field Training Officer Emp #		Last Name	First Name	M.I.

# Officer Involved Shooting Suspect Information

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## Suspect Information

S 1	Last Name: Guevera		First Name: Joseph		M.I.
	AKA Last Name: "Scrappy" "Payaso"		First Name:		M.I.
Sex: M	Race: Hispanic	Street Address: 8819 Oak Street		City: Bellflower	State & Zip Code: Ca 90706
Work Phone:	Home Phone:	Social Security #:		Driver's License #:	
Age: 21	D.O.B.: 03-05-89	Height: 504	Weight: 156	FBI #:	CII #:
Booking #:	Primary Charge: 664/187 PC		Secondary Charge:		
Coroner Case? <input type="checkbox"/>	Coroner Case #:	Intoxication/Drug Usage? <input checked="" type="checkbox"/>	Substance Used: Methamphetamine		
Armed? <input checked="" type="checkbox"/>	Apprehended? <input checked="" type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>		
Vehicle Make: N/A		Model:		Year:	

S	Last Name:		First Name:		M.I.
	AKA Last Name:		First Name:		M.I.
Sex:	Race:	Street Address:		City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:		Driver's License #:	
Age:	D.O.B.:	Height:	Weight:	FBI #:	CII #:
Booking #:	Primary Charge:		Secondary Charge:		
Coroner Case? <input type="checkbox"/>	Coroner Case #:	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:		
Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>		
Vehicle Make:		Model:		Year:	

S	Last Name:		First Name:		M.I.
	AKA Last Name:		First Name:		M.I.
Sex:	Race:	Street Address:		City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:		Driver's License #:	
Age:	D.O.B.:	Height:	Weight:	FBI #:	CII #:
Booking #:	Primary Charge:		Secondary Charge:		
Coroner Case? <input type="checkbox"/>	Coroner Case #:	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:		
Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>		
Vehicle Make:		Model:		Year:	

S	Last Name:		First Name:		M.I.
	AKA Last Name:		First Name:		M.I.
Sex:	Race:	Street Address:		City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:		Driver's License #:	
Age:	D.O.B.:	Height:	Weight:	FBI #:	CII #:
Booking #:	Primary Charge:		Secondary Charge:		
Coroner Case? <input type="checkbox"/>	Coroner Case #:	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:		
Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>		
Vehicle Make:		Model:		Year:	



**Los Angeles County Sheriff's Department**

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Non-Employee Witnesses			
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph



**LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS  
JUSTICE SYSTEM INTEGRITY DIVISION**

STEVE COOLEY • District Attorney  
JACQUELYN LACEY • Chief Deputy District Attorney  
PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI • Director

May 3, 2012

Captain David Smith  
Homicide Bureau  
Los Angeles County Sheriff's Department  
5747 Rickenbacker Road  
Commerce, California 90040

RE: J.S.I.D. File No. 11-0822  
L.A.S.D. File No. 011-25564-1335-055

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 28, 2011, non-fatal shooting of Joseph Guevara. It is our conclusion that Deputies Joseph Esqueda and Victor Fernandez acted in lawful self-defense and defense of another.

The following analysis is based on reports prepared by the Los Angeles Sheriff's Department (LASD), submitted to this Office by Detective Steve Blagg, LASD Homicide Bureau. The District Attorney's Command Center was notified of the shooting on December 28, 2011, at approximately 7:15 p.m. The District Attorney Response Team (DART), comprised of Deputy District Attorney Paul Nunez and District Attorney Senior Investigator Jeffery Scott, responded and was given a briefing and a walk-through of the scene. The voluntary statements of Deputies Esqueda and Fernandez were considered as part of this analysis.

**FACTUAL ANALYSIS**

On December 28, 2011, at 4:04 p.m., LASD Deputy Joseph Esqueda responded to a call that a suspicious man was looking into cars in the area of Pimenta Avenue and Oak Street in the City of Bellflower. When Esqueda arrived at that location in a marked patrol car, he saw Joseph Guevara, who matched the description of the suspicious person.

As Esqueda drove near Guevara, he began running through a parking lot on the east side of Pimenta Avenue that bordered Lakewood Boulevard. Esqueda notified Deputy Victor Fernandez of Guevara's action and possible location.

Esqueda circled the area and observed Guevara moments later walking northbound on Pimenta Avenue towards Oak Street. Fernandez drove his patrol vehicle toward Guevara and attempted

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to detain him but Guevara ran north and turned west on Oak Street. Fernandez exited his patrol car and chased Guevara on foot.

Witness [REDACTED] was in her backyard on Pimenta Avenue when she observed a man peer into her yard over the driveway fence then attempt to open the locked gate. She immediately entered her home to make sure the front door was locked. She looked out her front window and saw a bicycle on her front porch that did not belong to her family. She saw the deputies contact Guevara who then ran from them out of her view on Oak Street.<sup>1</sup>

As Guevara ran, he continued to grab the front waistband of his loose shorts. Guevara ran to mid-block and then hid behind a van parked on the driveway at [REDACTED] Oak Street. Guevara pulled a silver object from his front waistband so Fernandez broadcast that Guevara was possibly armed. Esqueda followed Guevara in his patrol car and then repeatedly ordered Guevara to show his hands to the deputies and drop his gun.

Guevara turned, pointed his handgun at the deputies and fired. Both deputies returned fire. Guevara continued to fire at the deputies until he lost control of the gun. The deputies stopped firing and approached Guevara. They handcuffed him and called for an ambulance. Neither deputy was injured. Guevara suffered multiple gunshot wounds to his legs, left hand, and left arm.

Witness [REDACTED] was in her home when she heard someone shouting, "Drop the gun, drop the gun," before hearing gunshots. Witness [REDACTED] and his [REDACTED] were standing at the northwest corner of Oak Street and Pimenta Avenue when he saw his [REDACTED] Guevara run from the deputies down Oak Street. [REDACTED] saw Guevara holding a silver handgun flat against his chest as he ran. He saw Guevara hide behind a van and saw the deputies give chase before they ordered Guevara to stop and show his hands. [REDACTED] then heard 15-20 shots.

Detectives recovered a .38 caliber revolver where Guevara was hiding. There were three expended casings inside the gun. Deputies found 20 live rounds in Guevara's pockets along with a small screwdriver, a plastic bag of methamphetamine and a narcotics pipe.

## CONCLUSION

California has well settled law that the use of deadly force in self-defense situations or in the defense of others is permissible if it reasonably appears to the person claiming the right of self-defense that he actually and reasonably believed he or others were in imminent danger of great bodily injury or death. People v. Mercer (1962) Cal.App.2d 153.

<sup>1</sup> [REDACTED] informed deputies that he found on his porch a gray sweatshirt and black gloves that did not belong to him.

Captain David Smith  
May 3, 2012  
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In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. California Criminal Jury Instructions 3470.

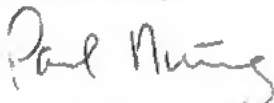
Where the peril is swift and imminent and the necessity for action is immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal. App. 2d 575.

The evidence examined shows that Deputies Esqueda and Fernandez tried to detain Joseph Guevara during a burglary from a motor vehicle investigation. Guevara fled, then took up a defensive position behind a parked car while armed with a loaded .38 caliber handgun. Guevara ignored repeated commands to drop his gun and instead fired at the deputies. Deputies Esqueda and Fernandez, in fear for their lives and the life of their partner, responded with deadly force.


We conclude that Deputies Joseph Esqueda and Victor Fernandez acted in lawful self-defense. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY  
District Attorney

By 

PAUL NUNEZ  
Deputy District Attorney  
(213) 974-3888

c: Deputy Joseph Esqueda, #   
Deputy Victor Fernandez, # 